

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

### **Review Item:**

704 KAR 7:101, Repeal of 704 KAR 7:100, Approval of operation of alternative education programs for purposes of driver's license revocation

### **Applicable Statute or Regulation:**

KRS 159.051, 186.440, 156.070

### **History/Background:**

***Existing Policy.*** The first legislation known as No Pass, No Drive (KRS 159.051) was enacted in 1990. The legislation called for a driver's license to be denied or revoked when a student was determined to be academically deficient (failing grades in four classes in a school semester) or the student had accumulated nine or more unexcused absences in the preceding semester. The original No Pass, No Drive legislation only applied to school districts that had approved alternative education programs. An accompanying regulation, 704 KAR 7:100, includes the process for approval of alternative education programs. In December 2003, the Kentucky Supreme Court ruled the No Pass, No Drive law unconstitutional after a class action suit was filed. In part, the Kentucky Supreme Court found the law unconstitutional because it only applied to those students in districts that offered approved alternative education programs.

In March 2007, a new version of No Pass, No Drive was enacted. The new legislation included a modification of KRS 159.051 eliminating the requirement for approved alternative education programs for school districts wanting to participate in No Pass, No Drive. The new No Pass, No Drive law applies to all schools. For this reason, 704 KAR 7:100 is no longer necessary and should be repealed.

### **Impact on Getting to Proficiency:**

KRS 159.051 is a dropout prevention program with a goal of keeping students in school until graduation.

### **Contact Person:**

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Deputy Commissioner

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Interim Commissioner of Education

### **Date:**

June 2007

